

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NEUROSCIENCE, INC.
and PHARMASAN LABS, INC.,

ORDER

Plaintiffs,

12-cv-813-bbc

v.

RICHARD T. FORREST and
CERULEAN INVESTMENTS, INCORPORATED,

Defendants.

Two matters are before the court. First, defendant Richard T. Forrest has responded to the court's order to show cause why various documents in this case should not be unsealed. (Although plaintiffs had the opportunity to respond as well, they did not submit anything.) Second, plaintiffs have filed what they call a "motion for noncompliance," in which they say that defendant Forrest has failed to respond to their requests to schedule a deposition.

With respect to the order to show cause, defendant Forrest has not provided a persuasive reason for keeping any documents under seal. Forrest relies on an investigation by the Federal Bureau of Investigation, but he acknowledges that plaintiffs are aware of the investigation and he identifies no reason why unsealing the documents in question would jeopardize that investigation in any way. Accordingly, I am directing the clerk of court to

unseal docket nos. 45-47, 70 and 89.

With respect to plaintiffs' motion, it is not clear what plaintiffs mean by "an order of noncompliance" or what they believe such an order would accomplish, so I am denying the motion. Instead, I will set a telephone status conference before Magistrate Judge Stephen Crocker to determine a specific date on which defendant Forrest will make himself available to be deposed. If Forrest does not make himself available for the telephone conference or the scheduled deposition, the court will proceed to a default hearing on damages and Forrest will forfeit his right to contest any reasonable estimate plaintiffs provide of their damages.

In his response to plaintiffs' motion, defendant Forrest lists various discovery requests that he says *plaintiffs* have failed to answer. Forrest does not explain why he has included the list, but to the extent he believes that plaintiffs have any obligation at this point to provide discovery documents to him, he is mistaken. In an order dated February 21, 2014, dkt. #84, I granted plaintiffs' motion to sanction Forrest's failure to comply with repeated discovery requests and court orders by entering a default judgment against him. Forrest did not oppose that motion at the time and he does not argue now that the court erred by granting it. Accordingly, plaintiff has forfeited his right to seek discovery from plaintiffs.

ORDER

IT IS ORDERED that

1. The clerk of court is directed to UNSEAL docket nos. 45-47, 70 and 89.

2. The "motion for noncompliance" filed by plaintiffs Neuroscience, Inc. and Pharmasan Labs, Inc., dkt. #94, is DENIED. A telephone status conference will be held before Magistrate Judge Stephen Crocker on April 23, 2014 at 9:00 a.m. It is the responsibility of plaintiffs' counsel to set up the call, but it is defendant Richard Forrest's responsibility to insure that plaintiffs' counsel have a telephone number that allows them to reach him at the scheduled time.

3. The May 12, 2014 trial date is STRICKEN. A default hearing on damages is scheduled for June 2, 2014, at 9:00 a.m. If defendant Forrest does not participate in the status conference or appear at the scheduled deposition, he will forfeit his right to present any evidence to challenge plaintiffs' reasonable estimate of their damages at the June 2 hearing.

Entered this 15th day of April, 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge